

MINUTES  
CHARTER REVISION COMMISSION  
VILLAGE OF KEY BISCAYNE, FLORIDA

MONDAY, FEBRUARY 5, 2007

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

The meeting was called to order by the Chairman at 7:00 p.m. Present were Commissioners Stuart D. Ames, Mark Fried, Vice Chairman Betty Sime Conroy and Chairman Steve Liedman. Commissioner Robert Fernandez was absent. Also present were Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

The Chairman led the Pledge of Allegiance.

The Clerk announced that the meeting was properly noticed.

The minutes of the January 24, 2007 Charter Revision Commission meeting were approved by unanimous consent.

It was the consensus of the Commission that there is no need to make motions on Sections of the Charter where no changes are proposed.

**Section 1.01.** *Corporate existence.* No discussion.

**Section 1.02.** *Form of government.* No discussion.

**Section 1.03.** *Corporate boundary/MAP.* No discussion.

**Section 1.04. Powers.** No discussion.

**Section 1.05. Construction.** No discussion.

**Section 1.06. Capitalization.** No discussion.

**Section 2.01. Village Council.** Vice Chairman Conroy addressed the Commission regarding the composition of the Council, specifically seven members versus five members. The Commissioners expressed their satisfaction with the concept of a seven member Council.

**Section 2.02. (a) Mayor.** Commissioners discussed the manner in which the Mayor is elected and the powers of the Mayor, however, no changes were proposed for this section.

Former Councilmember Mortimer Fried, 291 Harbor Court addressed the Commission regarding the powers of the Mayor.

**Section 2.02. (b). Vice Mayor.** No discussion.

**Section 2.03. Election and term of office.** Commissioner Fried proposed to amend this section as follows: (a) Each Council Member ~~and the Mayor~~ shall be elected at-large for a ~~two (2) year~~ four (4) year term by the electors of the Village in the manner provided in Article V of this Charter..... The Mayor shall ~~continue to~~ be elected for a two (2) year term. There was no objection to the proposal.

Commissioner Ames addressed the election of Councilmembers to specific seats versus at-large.

It was the consensus of the Commission to bring this section back for a more in depth discussion.

The Attorney was directed to draft this section of the Charter to eliminate the transition provisions for the change from two (2) year terms to four (4) year terms for Councilmembers.

**Section 2.04. Qualifications.** No discussion.

**Section 2.05. Vacancies, forfeiture of office, filling of vacancies.** No discussion.

**Section 2.05. Forfeiture of office. (b)(ii) Forfeiture by absence.** The Commissioners discussed clarifying this provision, but no changes were proposed for this section.

**Section 2.06. Recall.** The Commissioners discussed the possibility of clarifying this section. The Attorney addressed the Commission stating that the Florida Statutes address this process.

February 5, 2007

It was the consensus of the Commission to bring this section back for a more in depth discussion.

**Section 2.07.** *No compensation; reimbursement for expenses.* There was discussion from the public and the Commissioners, but no changes were proposed for this section.

Former Councilmember Fried addressed the Commission regarding Section 2.07.

The Clerk and the Attorney were directed to survey other municipalities as it relates to compensation for elected officials.

It was the consensus of the Commission to bring this section back for a more in depth discussion.

**Section 3.01.** *Village Manager.* No discussion.

**Section 3.02.** *Appointment; removal; compensation.* No discussion.

**Section 3.03.** *Powers and duties of the Village Manager.* No discussion.

**Section 3.04.** *Village Clerk.* No discussion.

**Section 3.05.** *Village Attorney.* No discussion.

**Section 3.06.** *Village code of administrative regulations.* No discussion.

**Section 3.07.** *Expenditure of Village funds.* The Attorney and the Commissioners addressed this issue proposing to include a time frame to challenge an ordinance for capital projects.

It was the consensus of the Commission to bring this section back for a more in depth discussion.

**Section 3.08.** *Competitive bid requirement.* No discussion.

**Section 3.09.** *Removal of Council Appointees.* No discussion.

**Section 4.01.** *Council meeting procedure.* The Commissioners and the Attorney discussed clarifying the eleven (11) regular monthly meetings provision, but no changes were proposed for this section.

The Clerk reported to the Commission that the Council held twelve (12) Regular Council Meetings, five (5) Zoning Meetings, four (4) Workshops, two (2) Special Meetings and two (2) LPA Meetings in 2006.

**Section 4.02.** *Prohibitions.* No discussion.

**Section 4.03.** *Action requiring an ordinance.* No discussion.

**Section 4.04.** *Emergency ordinances.* No discussion.

**Section 4.05.** *Annual budget adoption.* No discussion.

**Section 4.06.** *Fiscal year.* No discussion.

**Section 4.07.** *Appropriation amendments during the fiscal year.* The Commissioners and the Attorney discussed this section, but no changes were proposed.

**Section 4.08.** *Authentication, recording and disposition of ordinances, resolutions and charter amendments.* No discussion.

**Section 4.09.** *Tax levy.* No discussion.

**Section 4.10.** *Borrowing.* No discussion.

**Section 4.11.** *Revenue sharing.* No discussion.

**Section 4.12.** *Village boards and agencies.* No discussion.

**Section 4.13.** *Village Code, Ordinances and Resolutions.* No discussion.

**Section 4.14.** *Special Assessments.* The Commissioners and the Attorney discussed this section, but no changes were proposed.

**Section 5.01.** *Elections.* No discussion.

**Section 5.02.** *Initiative and referendum.* The Commissioners and the Attorney discussed this section, specifically the percentage of voters required to commence the initiative and referendum process.

Commissioner Ames discussed the possibility of adding some language, to this section, to include the following parameters: equal-expenditure provision whereby, prior to a referendum election, if the Council decides to spend public funds on a statement of position or persuasion for a particular issue, that the minority opinion of the Council, if there is one, has the opportunity to draft and mail out the same size position statement.

February 5, 2007

It was the consensus of the Commission to bring this section back for a more in depth discussion.

The Clerk will look into the initiative and referendum process and report back to the Commission with recommendations, if any, to clarify this section.

**Section 5.03.** *Form of ballots.* No discussion.

The next meeting of the Charter Revision Commission will be on Tuesday, February 20, 2007 at 6:00 p.m. in the Council Chamber.

The meeting was adjourned at 8:55 p.m.

***Respectfully submitted:***

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***Conchita H. Alvarez, CMC***  
***Village Clerk***

***Approved by the Commission***  
***this \_\_ day of February, 2007:***

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***Steve Liedman***  
***Chairman***

***IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVIEW COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.***